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2013 Chief FOIA Officer Report

Section I: Steps Taken to Apply the Presumption of Openness

Describe the steps your agency has taken to ensure that the presumption of openness is being applied to all decisions involving the FOIA. To do so, you should answer the questions listed below and then include any additional information you would like to describe how your agency is working to apply the presumption of openness.

1. **Did your agency hold an agency FOIA conference, or otherwise conduct training during this reporting period?** FOIA staff conducted training for new supervisors and new FOIA staff regarding the agency's FOIA responsibilities. FOIA staff also conducted tailored training for several agency offices.
   Did your FOIA professionals attend any FOIA training, such as that provided by the Department of Justice? Staff attended Department of Justice training and third-party vendor training on this subject.

2. **Did your agency make any discretionary releases of otherwise exempt information?** No, however, the FOIA staff segregates non-exempt materials from exempt material to enable a partial release of information where appropriate.

3. **What exemptions would have covered the information that was released as a matter of discretion?** Not applicable.

4. **Provide a narrative description, or some examples of, the types of information that your agency released as a matter of discretion.** Not applicable.

5. **Describe any other initiatives undertaken by your agency to ensure that the presumption of openness is being applied.** The agency uses its website and other means proactively to make information available to the general public and its stakeholders. For example, open Board meetings are recorded and posted on the internet; virtual town hall meetings are hosted to communicate agency plans, address concerns, and respond to questions from participants; agency YouTube videos are posted at http://www.youtube.com/ncuachannel, including regular NCUA Economic Updates; agency Facebook and Twitter pages are utilized to communicate news updates; and web resource and information pages are added to the agency website, such as new information for consumers at www.mycreditunion.gov, in English and Spanish languages. In addition, interest rate data is posted on NCUA's website at http://www.ncua.gov/DataApps/Pages/CUBNKMain.aspx.

**Section II: Steps Taken to Ensure that Your Agency
Has an Effective System in Place for Responding to Requests**

1. **Do FOIA professionals within your agency have sufficient IT support?** Yes.
2. **Do your FOIA professionals work with your agency's Open Government Team?** FOIA staff consults as needed on the agency's Open Government efforts.
3. **Has your agency assessed whether adequate staffing is being devoted to FOIA administration?** Yes.
4. **Describe any other steps your agency has undertaken to ensure that your FOIA system operates efficiently and effectively, such as conducting self-assessments to find greater efficiencies, improving search processes, streamlining consultations, eliminating redundancy, etc.** The agency monitors overall response times and year-to-year changes in volumes, request complexity, and response times. NCUA uses a dedicated software system to track the processing of FOIA requests; dedicated IT staff provides system support; ongoing training is used to improve understanding of FOIA coverage and responsiveness; and processes are reviewed to identify potential issues and opportunities for improvement. In Fiscal Year 2012, organizational flexibility enabled additional staff hours to address FOIA responsibilities including reducing the backlog.

Section III: Steps Taken to Increase Proactive Disclosures

1. **Provide examples of material that your agency has posted this past year.** Examples of posted material include: information about the NCUA's Guaranteed Notes (NGN) program at http://www.ncua.gov/Resources/Corps/NGN/Pages/default.aspx; a new "Research a Credit Union" tool at http://www.ncua.gov/DataApps/ResearchCU/Pages/default.aspx for consumers and the credit union industry; a supervision manual at http://www.ncua.gov/News/Press/NW20121102SuperPolManual.pdf; and a state and city indicators data file and other economic data of significance to credit unions and consumers, in a convenient spreadsheet format for easy access, at http://www.ncua.gov/Resources/CUs/Pages/default.aspx.
2. **Beyond posting new material, is your agency taking steps to make the posted information more useful to the public, especially to the community of individuals who regularly access your agency's website, such as soliciting feedback on the content and presentation of the posted material, improving search capabilities on the site, creating mobile applications, providing explanatory material, etc.?** Yes.
3. **If so, provide examples of such improvements.** The agency's website at its Open Government page

(http://www.ncua.gov/about/Pages/OpenNCUA.aspx) provides examples of useful information available on the website. In addition, the agency's office of the chief information officer (OCIO) formed an internal focus group that suggests ways to improve the agency's website. NCUA also solicits questions, comments, and suggestions from the user community regarding the website.

4. **Describe any other steps taken to increase proactive disclosures at your agency.** FOIA staff tracks multiple FOIA requests for the same information and advises the relevant program offices to proactively post the information. In addition, NCUA has rolled out a new 'go-to' site for online information and assistance provided by the agency's Office of Small Credit Union Initiatives at www.ncua.gov/OSCUI; and also a new helpful resource for young consumers at http://mycreditunion.gov/pocketcents.

Section IV: Steps Taken to Greater Utilize Technology

Electronic receipt of FOIA requests:

1. **Can FOIA requests be made electronically to your agency?** Yes.
2. **If your agency is decentralized, can FOIA requests be made electronically to *all* components of your agency?** Not applicable.

Online tracking of FOIA requests:

3. **Can a FOIA requester track the status of his/her request electronically?** No.
4. **If so, describe the information that is provided to the requester through the tracking system. For example, some tracking systems might tell the requester whether the request is "open" or "closed," while others will provide further details to the requester throughout the course of the processing, such as "search commenced" or "documents currently in review." List the specific types of information that are available through your agency's tracking system.** Not applicable.
5. **In particular, does your agency tracking system provide the requester with an estimated date of completion for his or her request?** Not applicable.
6. **If your agency does not provide online tracking of requests, is your agency taking steps to establish this capability?** The agency is reviewing whether under the most recent update to its dedicated software system it can incorporate this capability. FOIA staff recently attended a briefing held by the software vendor where this capability was displayed and explained. Agency staff will continue to review the cost and benefit to acquire this capability.

*Use of technology to facilitate processing of requests***:**

7.   **Beyond using technology to redact documents, is your agency taking steps to utilize more advanced technology to facilitate overall FOIA efficiency, such as improving record search capabilities, utilizing document sharing platforms for consultations and referrals, or employing software that can sort and de-duplicate documents?** Not at this time.

8.   **If so, describe the technological improvements being made.** Not applicable.

Section V: Steps Taken to Improve Timeliness in Responding to Requests and Reduce Backlogs

1.   **Section VII.A of your agency's Annual FOIA Report, entitled "FOIA Requests – Response Time for All Processed Requests":**

   a. Does your agency utilize a separate track for simple requests? Yes.
   b. If so, for your agency overall, for Fiscal Year 2012, was the average number of days to process simple requests twenty working days or fewer? Yes.
   c. If your agency does not track simple requests separately, was the average number of days to process non- expedited requests twenty working days or fewer? Not applicable.

2.   **Sections XII.D.(2) and XII.E.(2) of your agency's Annual FOIA Report, entitled "Comparison of Numbers of Requests/Appeals from Previous and Current Annual Report – Backlogged Requests/Appeals," show the numbers of any backlog of pending requests or pending appeals from Fiscal Year 2012 as compared to Fiscal Year 2011. You should refer to those numbers when completing this section of your Chief FOIA Officer Report. In addition, Section VII.E, entitled "Pending Requests – Ten Oldest Pending Requests," and Section VI.C.(5), entitled "Ten Oldest Pending Administrative Appeals," from both Fiscal Year 2011 and Fiscal Year 2012 should be used for this section.**

   a. If your agency had a backlog of requests at the close of Fiscal Year 2012, did that backlog decrease as compared with Fiscal Year 2011? Yes.
   b. If your agency had a backlog of administrative appeals in Fiscal Year 2012, did that backlog decrease as compared to Fiscal Year 2011? Not applicable.
   c. In Fiscal Year 2012, did your agency close the ten oldest requests that were pending as of the end of Fiscal Year 2011? Yes.
   d. In Fiscal Year 2012, did your agency close the ten oldest

administrative appeals that were pending as of the end of Fiscal Year 2011? Yes.

3. **If you answered "no" to any of the above questions, describe why that has occurred. In doing so, answer the following questions then include any additional explanation:** Not applicable.

Request Backlog: Not applicable.

   a. **Was the lack of a reduction in the request backlog a result of an increase in the number of incoming requests?**
   b. **Was the lack of a reduction in the request backlog caused by a loss of staff?**
   c. **Was the lack of a reduction in the request backlog caused by an increase in the complexity of the requests received?**
   d. **What other causes, if any, contributed to the lack of a decrease in the request backlog?**

Administrative Appeal Backlog: Not applicable.

   a. **Was the lack of a reduction in the backlog of administrative appeals a result of an increase in the number of incoming appeals?**
   b. **Was the lack of a reduction in the appeal backlog caused by a loss of staff?**
   c. **Was the lack of a reduction in the appeal backlog caused by an increase in the complexity of the appeals received?**
   d. **What other causes, if any, contributed to the lack of a decrease in the appeal backlog?**

4. **OIP has issued guidance encouraging agencies to make interim releases whenever they are working on requests that involve a voluminous amount of material or require searches in multiple locations. By providing rolling releases to requesters agencies facilitate access to the requested information. If your agency had a backlog in Fiscal Year 2012, please provide an estimate of the number of cases in the backlog where a substantive, interim response was provided during the fiscal year, even though the request was not finally closed.** Our agency had a backlog of 5 cases in Fiscal Year 2012, and it is estimated that in 3 of these cases, an interim response was provided during the fiscal year.

Use of FOIA's Law Enforcement "Exclusions"

In order to increase transparency regarding the use of the FOIA's statutory law enforcement exclusions, which authorize agencies under certain exceptional circumstances to "treat the records as not subject to the

requirements of [the FOIA]," 5 U.S.C. § 552(c)(1), (2), (3), please answer the following questions:

1.   **Did your agency invoke a statutory exclusion during Fiscal Year 2012?** No.
2.   **If so, what was the total number of times exclusions were invoked?** Not applicable.

Spotlight on Success

   Out of all the activities undertaken by your agency since March 2012 to increase transparency and improve FOIA administration, describe here one success story that you would like to highlight as emblematic of your agency's efforts. The success story can come from any one of the five key areas.

   NCUA has successfully continued its efforts to increase transparency and improve FOIA administration by use of its website, newsletter, webinars, and several social media resources, to proactively provide information of interest to the credit union industry and general public. In particular, the agency's use of the YouTube channel has been very well-received by regulated entities and other stakeholders. The channel is at http://www.youtube.com/ncuachannel and provides useful information for credit unions and consumers from various NCUA offices, such as the NCUA Board, Office of the Chief Economist, Office of Consumer Protection, and Office of Small Credit Union Initiatives.